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Reply to Office Action of August 15, 2008

REMARKS / ARGUMENTS

Claims 21, 23-26, 28-30, 32-35 and 37-38 remain pending in this application.

Claims 22, 27, 31 and 36 have been canceled without prejudice or disclaimer. No

new claims have been added.

35 U.S.C. §112

The claims have been amended to overcome the Examiner's rejection under

this section. The Examiner is hereby invited to contact the undersigned with any

questions.

35 U.S.C. §103

Claims 21-38 stand rejected under 35 U.S.C. §103(a) as being unpatentable

over Shioda et al (U.S. Pub. No. 2002/0044639). These rejections are traversed as

follows.

The present invention automatically displays distribution information that has a

waiting program, different from a processing program realizing the function of the

telephone or the email, is operated based on the waiting program, and includes a

telop and the like distributed to the waiting screen of the mobile terminal from the

information distribution apparatus. In the communication-type system and method

that automatically perform the so-called request for distribution of the mobile terminal

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side and distribute the information from the server side in accordance with the

request for distribution, the user of the mobile terminal does not need to perform

special operations or complicated operations so as to display the distribution

information. Further, it is easy to automatically update the distribution information.

Thereby, it is possible to conveniently offer information distribution for the user of the

mobile terminal. Also, if the mobile terminal sets the appropriate timing for

distributing information (for example, a calendar function) to the terminal side while

the mobile terminal operates the telephone or the email, the request for information

distribution corresponding to the time or the place can be automatically performed

from the terminal to the server side anywhere and anytime at the set timing. Thereby,

it is possible to accurately receive and display the information corresponding to the

time or the place and since it does not need to force the user of the mobile terminal

to perform special operations, the user's convenience is extremely increased.

Further, in recent years, even though there is a mobile terminal that can use

a game, for example, even when there is a case of applying such a terminal, it is

possible to certainly display the distribution information after the game ends without

receiving the distribution information while the game is performed or the game is

processed. This is because the present invention has a configuration that monitors

the operating state of the mobile terminal, detects the coming of the timing for

distributing information by using the operating state of the mobile terminal, operates

the waiting program, and requests the information distribution to the server side.

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Additionally, with the present invention, the mobile terminal has the waiting

program, is operated based on the program, and displays the waiting screen on the

output portion. If the system and method that distribute the distribution information

from the information distribution apparatus side to the mobile terminal at the timing

for distribution (a desired timing where the user's convenience of the mobile terminal

is satisfied) of the mobile terminal and display the distribution information on the

waiting screen of the mobile terminal can previously know that the user of the mobile

terminal desires to have certain information (news, advertisement and the like) at a

certain time, it is possible to distribute the desired information at the user's desired

timing and certainly display (considering the user's convenience) the distribution

information on the display portion of the mobile terminal as the waiting screen at the

desired timing without forcing the user to perform special operations (the program

switching operation or the screen switching operation) for achieving the foregoing.

Further, since the waiting state of the mobile terminal is detected by the base station,

the unit that operates the information distribution apparatus side is not needed.

Consequently, in accordance with the system and method, if the mobile terminal and

the server are in the communication capable state, it is possible to distribute, receive,

and display the user's desired information even for the mobile terminal that does not

have the positional information (GPS) and similarly to Shioda, it is not necessary to

specify the information distribution service to the mobile terminal having the

positional information.

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The system of Shioda and the present invention that can automatically

display the information distributed from the information distribution server on the

waiting screen of the mobile terminal based on the waiting program are essentially

different from each other in view of the configuration, method, and effect.

Specifically, Shioda does not describe or suggest the following elements that

are including in claim 21, for example (references numerals are added for purposes

of explanation and not by way of limitation). The mobile terminal 151 includes

storage devices 102 and 105 that store a program 101 and a waiting program

receiving the distribution information from the information distribution server different

from a processing program realizing a function of a telephone or an email, and

displaying the distribution information on the waiting screen of the mobile terminal

and a CPU 103, the mobile terminal monitors the operating state based on the

processing program realizing the function of the telephone or the email of the mobile

terminal by controlling the CPU in accordance with the program and detects the

coming of the timing for distributing information 120 set in the mobile terminal using

the occurrence time of the operating state having a predetermined reference or less

in accordance with the monitoring result. The mobile terminal operates the waiting

program 101 (see S801 of FIG. 8) that is stored in the storing devices, included in

the program, and controls the waiting screen of the mobile terminal when the CPU in

accordance with the program detects the coming of the timing for distributing

information. The mobile terminal allows the CPU in accordance with the waiting

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program to transmit the request for information distribution. The mobile terminal

allows the CPU in accordance with the waiting program to output the distribution

information to waiting screens 1500 to 1520 that correspond to the output interface

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According to the present invention, there is no need to force the user of the

mobile terminal to perform the complicated operations for receiving and displaying

the distribution information. Instead, the user of the mobile terminal can receive and

display the information distribution anywhere and anytime with extremely high

convenience and with high accuracy. Further, the system, which does not request

the user to perform the complicated operations, is suitable for a case where it is used

in a busy time such as, for example, during a commuting time.

On the other hand, Shioda obtains the piece of the advertisement information

from the advertisement main terminal followed by actually providing advertisement

information as described above, obtains the user-related information as the retrieval

condition for retrieving the advertisement information from the communication

terminal by transmitting and receiving the off-hook signal S1 and the off-hook

detection signal S2 between the communication terminal and the communication

company facility, and transmits the piece of the advertisement information retrieved

by the user-related information among the pieces of the advertisement information to

the mobile terminal. For this reason, it is necessary for the user to perform the

operation capturing the distribution information to the server side, specifically, the off-

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hook operation. Further, since the communication company facility 20 is a system

(paragraphs 0047 and 0048) that detects the off-hook state (a state picking up the

receiver) of the communication terminal 10, Shioda needs the communication

company facility (the base station for the mobile phone) and the process routine ·

thereof, needs the cooperation of the carrier side as well as the improved mobile

phone, and needs a large-scale system configuration.

In other words, the positional information supplementing the base station that

monitors the position of the communication terminal at the communication company

facility managed by the carrier is needed (see paragraph 0028). Consequently, a unit

that determines at the base station whether the mobile terminal is busy or is being

communicated and a unit that adds the information so as to distribute the mobile

terminal by operating the server in accordance with the determination are needed.

Further, since Shioda performs the information distribution by operating the server

side in accordance with the user's operation (timing) of the mobile terminal, it can

lead to a case where the user's conveniences is low as well as the desired

distribution information, for example, news (morning news) whose information

contents vary every hour at a timing considered to be optimal by the user cannot be

received and displayed at an appropriate timing (such as morning hours).

In other words, when the communication terminal is in a waiting state of a

process program (program other than general program/waiting program) that realizes

a function of a telephone, an email, or a Web browser, Shioda receives the

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advertisement information from the advertiser company server that is distributed

through the communication company facility 20 (a base station 21b, a switching

network 23, an advertisement information distribution server 24) and at the same

time, displays the advertisement information on a screen, which is in a waiting state,

based on a general program. Further, the reception and display are performed by the

user's operation. For example, the communication terminal is provided with the

program that executes the email function or the program that executes the Web

browser function and the user's operation of starting and ending (the operation to

receive and display the distribution information from and to the user of the

communication terminal is strongly needed) for each program is needed so as to

perform the email or the Web browser in accordance with these programs.

Thus, if the distribution information of the advertisement company side is

automatically received by the Web browser without performing the user's operation

(the on-hook operation or the off-hook operation) at the communication terminal, it is

necessary to detect the communication state (the waiting state of the communication

terminal) of the communication terminal. The detection is generally performed at the

base station 21b of the communication company facility 20. Consequently, the

system and method for information distribution that allow the base state to detect

whether the communication terminal can receive the distribution information or not

and automatically distribute and receive the distribution information of the

advertisement distribution server to the communication terminal capable of receiving

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the distribution information through the communication company facility require a unit

that detects the state of the communication terminal receiving the distribution

information to the base station of the communication company facility, for example,

the waiting state of the telephone, the email, or the Web browser. Therefore, in

accordance with the system, the cooperation of the communication company side is

indispensably needed and the inconvenience, such as a case where the

advertisement company side providing the information distribution service cannot

freely perform the information distribution service, may occur. Further, in accordance

with the user of the communication terminal, the transmission and reception of the

advertisement information and the like are indiscriminately performed regardless of

whether he/she wants to receive the provided information, such that the information

becomes bothersome distribution information. Further, the user's convenience of the

communication terminal is not considered. Thus, Shioda invention has a procedure

in terms of receiving the distribution information by the user's operation (manual) but

has no suggestion or motive including inevitability to substitute other units (automatic

reception) for the configuration.

The examiner recognizes that the processing apparatus outputs the

distribution information to the waiting screen in accordance with the waiting program,

which is described in paragraph [0029]. Certainly, it is true that the distribution

information is reproduced and displayed on the display portion of the mobile terminal.

However, the distribution information is not displayed on the waiting screen based on

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the waiting program installed differently from the processing program realizing the

function of the telephone or the email mentioned in the present invention. Only the

information distributed in the waiting state is displayed by an application realizing

programs other than the waiting program, for example, the telephone function.

Therefore, Shioda requires the process that supplements the positional information

at the communication company (the base station) and requires the off-hook

operation by the user, as described above.   As such, it is submitted that the pending

claims patentably define the present invention over the cited art.

Conclusion

In view of the foregoing, Applicants respectfully request that a timely Notice of

Allowance be issued in this case.

                              Respectfully submitted,

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